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School Reform News

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DC Parents Want Vouchers

Kelly Amis Stewart

Two recently introduced Congressional school choice proposals that target Washington, DC students are heating up the voucher debate in the nation's capital once again.

In a sign that past failures may not be repeated this year, District parents and education reform advocates packed a March 15 public forum held by DC City Councilman Kevin Chavous, chair of the Council's Education, Libraries and Recreation Committee. The vast majority of those testifying in the six-hour discussion, "The Availability of School Choice in the District of Columbia," spoke in support of publicly funded school choice involving private schools and mentioned the two federal proposals.

One measure, the "Choice Incentive Fund," is included in President George W.

DC continued on page 8

Florida Voters May Regret Class Size Vote

Robert Holland

As Florida's governor and legislature grapple with the staggering fiscal implications of implementing a voter mandate to reduce K-12 class sizes, multiple studies are casting grave doubt on the cost-effectiveness of such a change.

Governor Jeb Bush has said the projected $28 billion cost of phasing in the class size amendment could "blot out the sun," forcing the Sunshine State to defund vital programs or endure a massive tax increase. In winning re-election by a landslide last fall, Bush opposed the class size referendum, but it passed by a slim majority.

Gov. Jeb Bush

The constitutional amendment obliges lawmakers to reduce average class size by two students per year until the goals are met. By 2010, no Florida classrooms may have more than 18 pupils in pre-kindergarten through the third

FLORIDA continued on page 9

Colorado Approves Vouchers

First state to act after Supreme Court ruling

George A. Clowes

To the cheers of hundreds of children from local private schools, Republican Bill Owens on April 16 signed a bill that made Colorado the first state to adopt a voucher program since the U.S. Supreme Court's June 2002 ruling in the *Zelman* case, which upheld the constitutionality of allowing parents to choose private schools, including religious schools, for their children's publicly funded education.

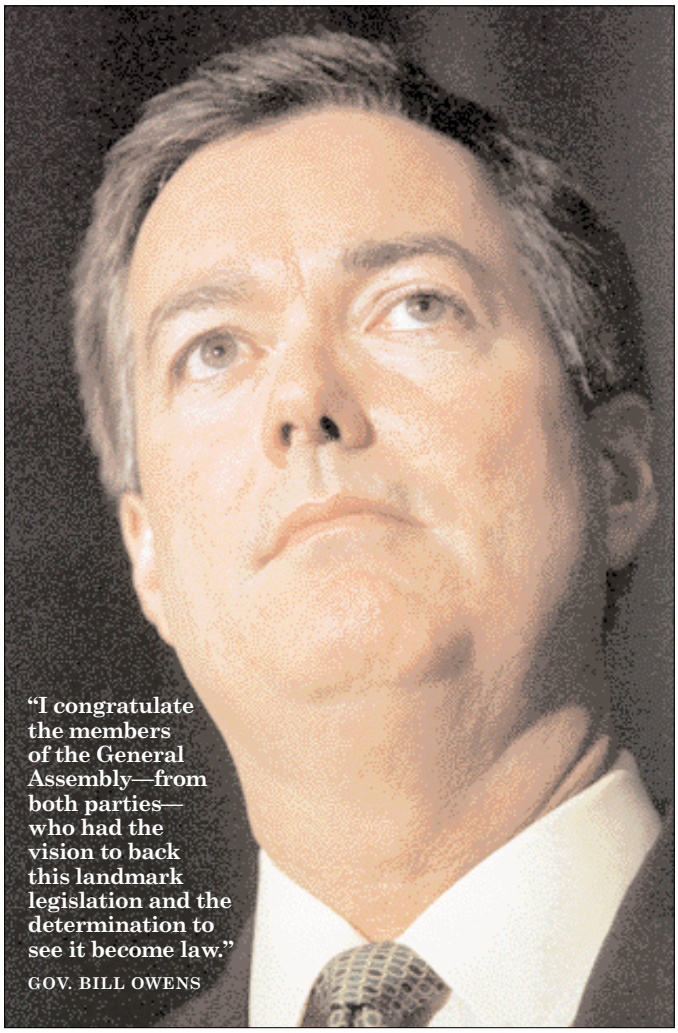
The bill, HB 1160, was sponsored by Representative Nancy Spence (R-Centennial) and by Senate Co-Majority Leader Norma Anderson (R-Lakewood). The voucher program will "open the door of opportunity to thousands of our children," said Owens, and could become one of the largest in the country.

"I congratulate the members of the General Assembly—from both parties—who had the vision to back this landmark legislation and the determination to see it become law," said Owens when the bill won final passage in the Colorado House on March 31. The Republican governor's nod to bipartisan support acknowledged the critical role Democratic Senator Bob Hagedorn played in the bill's passage.

Not everyone shared the governor's enthusiasm for the measure.

"We are opposed to any kind of proposal that would take public dollars and give them to private or

COLORADO continued on page 16


"I congratulate the members of the General Assembly—from both parties—who had the vision to back this landmark legislation and the determination to see it become law."
GOV. BILL OWENS

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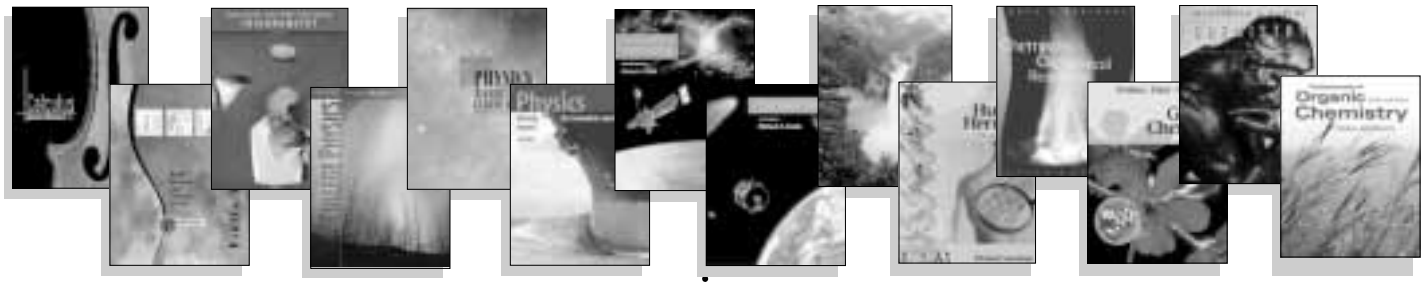

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CAPITOL HILL BEAT

Special Ed. Reauthorization Prompts Reform Plans

Don Soifer

Congress' review of federal special education laws—its largest scheduled piece of education business this year—has launched numerous reform plans as the legislation heads toward important committee votes.

Big IDEA

The magnitude of the Individuals with Disabilities Education Act (IDEA) is apparent in the program's size, cost, and complexity:

- Nearly one in eight U.S. schoolchildren is currently considered disabled.
- One study estimated more than $77 billion is spent annually to provide education for students with disabilities.
- Federal laws and regulations governing special education are among the most complicated and bureaucratic of any in the federal code.

Many policymakers, however, have expressed greatest concern not over the size of special education programs, but their rapid rate of growth. Not only has the number of students labeled as disabled grown by more than one-third over the past decade, but the growth has accelerated across many constituencies and categories of disability.

The number of students labeled "learning disabled" has doubled over the past two decades as a percentage of the special-ed population. The number labeled "emotionally disturbed" has tripled.

Misidentification and Under-identification

House Education Reform Subcommittee Chairman Michael Castle (R-Delaware) notes "current methods of identifying children with disabilities lack validity or reliability." This has resulted in widespread misidentification and mislabeling, especially of minority students.

Nearly half of all children identified as disabled are labeled as having "specific learning disabilities." Of these, upwards of 80 percent are classed this way primarily because of reading difficulties, according to the U.S. Department of Education.

Such mislabeling is largely a reflection of schools' ineffectiveness at teaching students to read, but it carries long-term risks for the children involved. In effect, they become part of a second-tier education track where they are significantly less likely to graduate from high school.

Congressional testimony has indicated the current system of identification also results in an under-identification of minority children with other disabilities in certain states and school districts.

Reform Proposals

Castle introduced his committee's broad proposal for reforming the present IDEA system in April. The Improving Education Results for Children with Disabilities Act spans 292 pages and offers a range of policy prescriptions. These include:

"The Improving Education Results for Children with Disabilities Act spans 292 pages and offers a range of policy prescriptions. ... Boasting a strong bipartisan slate of cosponsors ... the reform plan was expected to prevail in committee as this issue went to press."

Emphasizing early intervention strategies aimed at correcting reading deficiencies before children are identified as disabled. School districts would be granted flexibility to use up to 15 percent of their federal IDEA funds for such pre-referral services.

Strengthening parents' control over decisions regarding their child's education by allowing them to bypass process-heavy regulations pertaining to the child's Individualized Education Program (IEP).

Eliminating "IQ discrepancy" models for identifying children with disabilities.

Reducing heavy paperwork demands currently placed on special education teachers.

Easing federal regulations dictating how school officials are permitted to discipline special education students. The new rules would allow uniform discipline for all children and would no longer prohibit school officials from expelling or suspending special education students when they consider it necessary to ensure school safety.

New Choice Options

Both Senate and House Education Committee chairmen—Judd Gregg (R-New Hampshire) and John Boehner (R-Ohio)—have pledged support for expanding parental choice for families with disabled children. Representative Jim DeMint (R-South Carolina) introduced such a proposal, the Improving Parental Choice for Students with Disabilities Act, as an amendment to the IDEA reform bill.

DeMint's plan encourages states to develop choice programs similar to Florida's McKay scholarship program and allows federal funds to follow children to whichever public, private, or parochial school their parents choose. A proposal introduced last year by Senator Larry Craig (R-Idaho) adopts a similar approach.

"If there has ever been an opportunity to make a good, rational, compassionate argument for money following students, it is in the area of special education, because the whole idea of children with special needs is the importance of giving them customized, personalized service," declared DeMint at a Capitol Hill conference in March.

Another proposed amendment, sponsored by Representative Max Burns (R-Georgia), seeks to protect children and their parents from being coerced into administering behavior-altering medication in order to attend school. These medications include the powerful stimulants Ritalin and Adderall, classified under Schedule II of the Controlled Substances Act.

Bipartisan Support

Boasting a strong bipartisan slate of cosponsors—including Speaker of the House Dennis Hastert (R-Illinois), Chairmen Boehner and Castle, and California Democrats Diane Watson and Loretta Sanchez—the IDEA reform plan was expected to prevail in committee as this issue went to press.

Many of the reforms have their origins in findings issued last year by President George W. Bush's Commission on Excellence in Special Education. At the March Capitol Hill conference, C. Todd Jones, a Department of Education official who previously served as the commission's executive director, described Bush's interest in using those findings as a starting point for administration policy. Administration officials have been working with Congressional staff to model a proposal after the report's conclusions.

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Taking Stock of the School Choice Movement

Krista Kafer

Last year the school choice movement made progress in the courts, in statehouses, and in research, setting the foundation for an ambitious legislative agenda in 2003.

Specifically, during 2002:

- The Supreme Court of the United States ruled in *Zelman v. Simmons-Harris* that voucher programs do not violate the Constitution even when participating schools are overwhelmingly religious.
- More than 40 proposals to authorize vouchers, tax credits, or charter schools were introduced in state legislatures.
- In Congress, a bill to grant low-income parents a tax deduction for education expenses was approved by the House Ways and Means Committee.
- The federal No Child Left Behind Act, signed in January 2002, granted students in more than 8,600 low-performing schools nationwide the right to transfer to higher-performing schools.
- The President's Commission on Excellence in Special Education recommended that parents of special-needs children should be provided with options for their education.

Current School Choice Programs

These achievements crown a decade and a half of legislative activity that has vastly increased the options available for parents to choose the best schools for their children. Since 1987, the number of states providing publicly funded vouchers or tax incentives rose from two (Maine and Vermont) to 10 (Maine and Vermont, plus Arizona, Florida, Illinois, Iowa, Minnesota, Ohio, Pennsylvania, and Wisconsin).

In 2002, Iowa and Tennessee joined 37 states and the District of Columbia in enacting a law to establish charter schools. That year, the number of charter schools increased by 14 percent, bringing the total to approximately 2,700 schools. Of these, approximately 50 are "virtual charter schools" providing education services via the Internet.

Also, there was significant growth in the number of states offering parents a choice of schools to attend within the home district—intra-district school choice—and the option of transferring out of the district altogether—inter-district choice. Meanwhile, the home-school movement grew steadily to as many as 2 million children in grades K-12.

Additionally, private scholarship organizations have been active for more than 10 years, providing partial or full scholarships to schools of choice for more than 100,000 children. More than 100 privately funded organizations have invested $500 million in the future of America's children.

Research Supporting School Choice

Significant research in the past two years confirms earlier findings that vouchers can improve the academic performance of at-risk students, promote parental involvement and satisfaction, and foster accountability in public school systems. One such study by Harvard University, the University of Wisconsin, and Mathematica Policy Research Inc. found African-American students who participated in a privately funded voucher program for three years had scores on the Iowa Test of Basic Skills 9.2 percentile points higher than the scores of students who remained in the public schools.

Charter school research during the same period reveals charter schools are typically smaller than traditional schools, serve predominantly at-risk populations, and show achievement gains after two years.

The performance of home-schooled students is exceptionally high. On average, home-schooled students at the elementary school level perform one grade level higher than their peers in traditional schools; in high school, they perform four grade levels above the national average. Nearly all home-schooled students participate in at least two extracurricular activities such as dance, sports, music, and volunteerism.

Opinion Supporting School Choice

School choice polled well in 2002. A July 2002 poll by Zogby International Polling found 76 percent of respondents "strongly" or "somewhat" supported "providing parents with the option of sending their children to the school of their choice—either public, private or parochial—rather than only to the school to which they are assigned."

A 2002 National Opinion Poll conducted by the Joint Center for Political and Economic Studies found 57.4 percent of African-American respondents favored a voucher system when asked, "Would you support a voucher system where parents would get money from the government to send their children to the public, private, or parochial school of their choice?"

Support for choice also was strong among Members of Congress—at least as far as their own children were concerned. According to a Heritage Foundation survey, among members of the 107th Congress, 47 percent of representatives and 50 percent of senators who have school-age children were sending their children to private schools. Many of the same policymakers who exercise choice in their own children's education voted to block legislation that would have given lower-income families the range of options they enjoy.

Legal Advances for School Choice

On the legal front, the school choice movement enjoyed a major victory in June 2002, when the Supreme Court of the United States upheld the Cleveland Scholarship and Tutoring Program. The court ruled a parent's use of public money to underwrite tuition at private and religious schools does not violate the Establishment Clause of the Constitution.

Reform advocates still must contend with state-level constitutional provisions, including discriminatory "Blaine amendments"—vestiges of a nineteenth century anti-Catholic movement—that prohibit tax money from flowing to religious institutions. Although some courts have used these state-level amendments to strike down voucher programs, as a circuit court did recently in Florida, other courts—such as the Wisconsin Supreme Court—have upheld choice programs despite the existence of Blaine provisions in the state constitution.

Thirty-seven states have Blaine-type language, and 29 have prohibitive "compelled support" provisions, a type of constitutional language that dates back to colonial times and was intended to prevent governments from compelling individuals to contribute to or attend a state-designated church.

Public interest law firms such as the Institute for Justice have initiated legal actions to ensure state constitutions are interpreted as consistent with the First Amendment—that is, neutral with regard to religion.

Conclusion

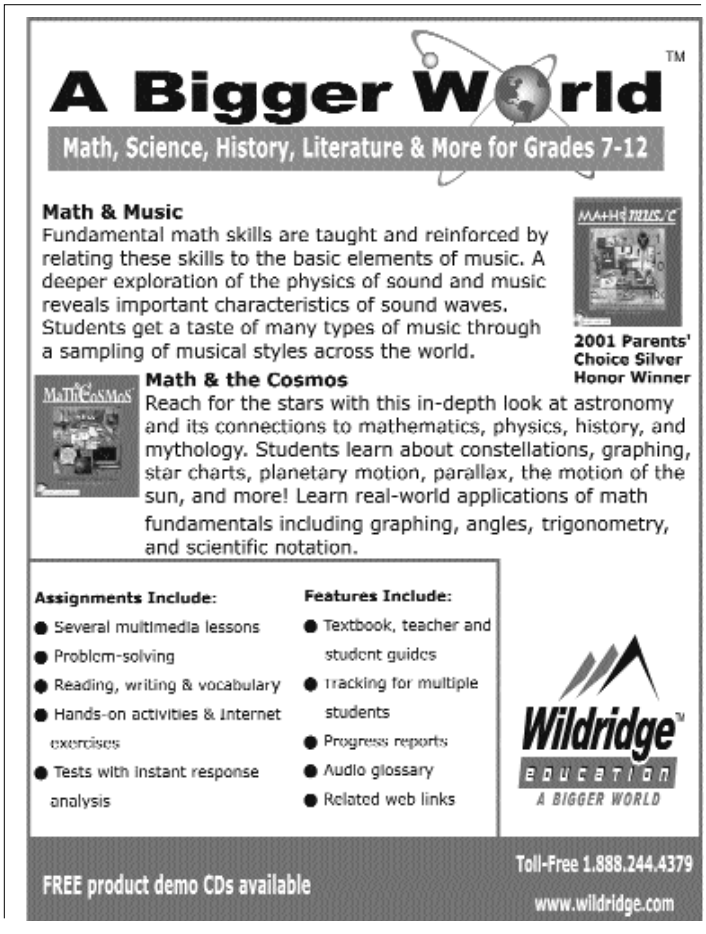
In all, 2002 was an eventful year for the school choice movement. Building on this foundation in 2003, legislators in states and in Congress have introduced new school choice legislation. There are many different models, including tax credits for expenses or contributions to scholarship funds, vouchers for poor students, universal vouchers, and vouchers for disabled students. Several of the state bills have seen legislative action.

Krista Kafer is senior policy analyst for education at The Heritage Foundation. Her email address is **krista.kafer@heritage.org.**

INTERNET INFO

See "Progress on School Choice in the States," by Krista Kafer, published on March 26, 2003 by The Heritage Foundation. It is available on the Web at **http://www.heritage.org/Research/Education/bg1639.cfm**.

The 20-page report is also available in Adobe Acrobat's PDF format through *PolicyBot*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for document #**12069**.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Vouchers Improve Employability in Michigan

Michigan doesn't have publicly funded vouchers to help children get a better K-12 education—which in turn would make them more employable—but since 1996 the Thumb Area Michigan Works! agency has been offering publicly funded vouchers to out-of-work adults in Huron, Tuscola, Sanilac, and Lapeer counties to help them improve their employability.

According to a recent story in *The Huron Daily Tribune*, the agency not only provides employment services for employers and prospective employees, but also provides job training opportunities to individuals who wish to strengthen their skills and enhance their employability. Initially, the agency focused on helping people with on-the-job training, classroom training, and adult work experience.

In 1996, the agency's executive director, Marv Pichla, initiated a voucher program called the Tool Chest System to encourage and empower the agency's clients to make their own decisions about their individual employment goals. The vouchers, which range in value from $500 to $2,500, may be used for a range of aids to secure full-time employment, such as GED preparation and testing, computer training classes, purchasing necessary tools and clothing, and certification programs.

"It's a voucher program that provides scholarship funds for those looking to better themselves," Pichla told *Huron Daily Tribune* reporter Traci Anderson. "The people who participate in the program decide how to use that money, whether it be on classes, training, career counseling, and other job-related tools. Each person can choose which tools they will need to increase their employability and strengthen their skills."

Some 2,700 individuals enroll in the Tool Chest System each year, according to Pichla, with about 60 percent of them finding jobs in the area in which they trained.

The agency's Web site, **www.thumbworks.org/toolchest**, notes that the flexibility provided by the Tool Chest System "may create apprehension and hesitancy" among some clients/customers since they may be "unaccustomed to a public/human service system which allows them greater freedoms of choice in designing their future."

Vouchers Are Everywhere

"[F]ood stamps are vouchers. Medicare is essentially a voucher program. There are many ways that vouchers play roles in our lives. There is a program for low-income child care where they can get child care vouchers and go to, say, a Catholic day-care program if they want. Pell grants—that's a voucher program. They can take it to any school they want, right? And it doesn't seem to have sunk in ... that all these things are voucher programs."

Terry M. Moe discussing
Schools, Vouchers and the American Public
The Brookings Institution, June 7, 2001

Camden, NJ Takeover Upheld

On March 18, at the Mercer County Courthouse in Trenton, New Jersey, Superior Court Judge Andrew J. Smithson upheld the constitutionality of a state takeover plan, originally passed last July, for the city of Camden and its public schools.

The law, which had been challenged in four separate lawsuits, puts a state-appointed officer in charge of the city government's daily operations, infuses $175 million into the local economy, cancels the April school board elections, and gives Governor James E. McGreevey ultimate control over the largest school district in South Jersey.

Camden Councilman Ali Sloan El, who had challenged the constitutionality of the plan, said an appeal and federal lawsuit were planned. He had argued the takeover strips power from elected officials and takes away the residents' right to vote.

There's also overwhelming evidence that state takeovers do not work, said Derrell Bradford, communications director for Excellent Education for Everyone, a pro-voucher grassroots group based in Newark. He pointed out that Newark, Jersey City, and Paterson all are being returned to local control after more than a decade of failed state management.

"This disenfranchises parents from the school governance process," Bradford told *School Reform News*. "The suspension of school board elections and the reconstitution of the board as one where the elected portion is perpetually a minority is indicative of the problem: The power resides in all the wrong places."

Bradford faulted the state for not considering the unanimous resolution of the city council last summer, which called for a school choice program. (See "Camden Is First to Call for Vouchers," *School Reform News*, September 2002.) He said the program would have made additional monies available to Camden's public schools while providing encouragement for reinvestment in Camden by offering $6,000 vouchers to parents.

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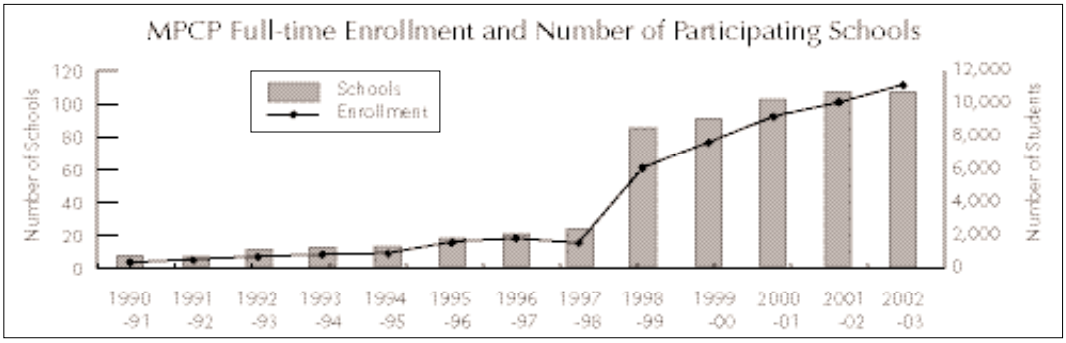
Milwaukee Voucher Program Continues to Expand

Participation by non-sectarian schools increases from 30 to 35



Marya DeGrow

A recent study from the Public Policy Forum reports the Milwaukee Parental Choice Program (MPCP) continues to grow, with 2002-2003 enrollment increasing 7 percent to 11,163 participants in 107 private schools.

The 13-year-old program provides publicly funded scholarships for low-income students to attend private secular and religious schools, a policy upheld as constitutional by the U.S. Supreme Court in last year's *Zelman* decision.

"What began as a bold, though small, experiment in market-based education reform has grown to be one of the largest educational programs in the state of Wisconsin," report the Forum's researchers in a January 24 *Research Brief*, "Beyond an Experiment."

Positive Trends

Seven new schools joined the voucher program during the past year, but the total number of participating schools remained unchanged since another seven left. The number of non-sectarian schools in the program increased from 30 to 35, now representing 32 percent of the total. Non-religious schools enroll 32 percent of MPCP students, with Catholic schools enrolling 40 percent and Lutheran schools enrolling 10 percent.

Since 1998-1999, a total of 70 new private schools have entered the MPCP program. The study reports that while most participating schools have seen fluctuating enrollments, 26 of the 70 schools have seen steady increases in each of the past four years.

Although overall MPCP enrollment has been increasing, the mobility rate *out* of the program has been roughly 26 percent for the past four years, indicating MPCP schools must continue to work at meeting the needs of parents and students. Nine schools that once participated in the MPCP program are no longer operating.

"MPCP schools must continue to attract new participants to the program in order to maintain enrollment," the study concludes.

Competing for Students, Teachers

The Milwaukee Public Schools (MPS) have responded to this more competitive environment by marketing themselves to the public. MPS schools have seen their enrollment rise by 4.7 percent between 1990 and 2001. Jay P. Greene at the Manhattan Institute for Policy Research reports MPS has advertised it will provide individual tutoring to any student not reading at grade level by grade three.

The Public Policy Forum's senior researcher, Anneliese Dickman, told *School Reform News* schools are competing not only for students but also for teachers. One private Montessori school closed not because it lacked voucher students, but because MPS had opened a public Montessori school and the private school was not able to attract enough teachers—at a lower rate of pay—to stay in operation.

Six schools enrolling almost 700 MPCP students left the program by converting to charter schools. Charter schools are funded at $6,900 per pupil, while MPCP schools receive $5,783 per pupil. The study notes, "Without any change in enrollment, a school would expect to see a 21 percent increase in revenue after leaving the MPCP program to become a charter school." If the funding advantage were reversed, it is likely charter-to-private-school conversions would occur.

As a result of the voucher program, nearly half of private school students (47 percent) are now minorities, up significantly from 1995, when the figure was less than 30 percent. The mostly minority make-up of the MPS student population is now beginning to be reflected in the MPCP private schools.

Fifty-eight of 101 MPCP schools that provided race and ethnicity data reported student bodies of 90 percent or more minorities. Similarly, 83 of 168 MPS schools have the same minority composition. The rise in minority student enrollment in private schools is further evidence minority parents desire to enroll their children in private schools but cannot do so unless they have the financial assistance provided by the MPCP.

"[F]or the most part, the racial makeup of a MPCP school is a reflection of the population of the school's neighborhood," notes the study, pointing out that just five of the 101 MPCP schools enroll 90 percent or more white students.

Significantly, many of the schools enrolling high percentages of minority students are newer schools. Out of 32 MPCP schools that are five years old or less, 23 enrolled 90 percent or more minority students this year.

INTERNET INFO

The January 24, 2003 *Research Brief* from the Public Policy Forum, "Beyond an Experiment: 13 Years of Growth in School Choice Program," is available at the Forum's Web site at **http://publicpolicyforum.org/josh/BeyondAnExperiment.pdf**.

The 10-page report is also available through *PolicyBot*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for document #**12070**.

"The choice program thus appears to have had a hand in creating new schools to serve urban, minority populations," the study concludes.

Marya DeGrow is the research assistant to the Independent Institute's Education Policy Center in Golden, Colorado. Her email address is **marya@i2i.org.**

Choice Creates New Schools for Low-Income Families

Vouchers raise false hopes and expectations among low-income families, say voucher critics, who claim private schools don't have the capacity to take extra voucher-bearing students. Critics also say any added capacity is unlikely to be in poor neighborhoods, where students are regarded as more difficult to educate.

A new study of school choice in Milwaukee shows both of those objections are unfounded.

Milwaukee's school choice programs—not only vouchers but also charter schools and partnership schools—have encouraged a major private investment in several of the city's high-poverty areas, according to a January 2003 report from the American Education Reform Council (AERC), called "Schools that Choice Built." The report was developed from a survey of 133 schools, consisting of 106 voucher schools, 15 charter schools, and 12 private schools that have contracts with the Milwaukee Public Schools (MPS).

The survey found investments of nearly $100 million for building and renovating private schools in Milwaukee, with almost two-thirds in voucher schools. Significantly, most of the projects are in city neighborhoods where, according to 2000 Census data, half or more of the residents have an income below 175 percent of the federal poverty level.

"Many of the projects involve new and renovated schools in areas of high poverty," said AERC President Susan Mitchell. "The projects help stabilize these neighborhoods and take tremendous fiscal pressure off the Milwaukee Public Schools and its taxpayers."

Mitchell notes higher taxes would be needed if the students in these schools attended MPS. Last year, MPS estimated $70 million in new capital spending would be needed if the voucher program ended.

INTERNET INFO

The January 2003 report from the American Education Reform Council, "Schools that Choice Built," is available at the Council's Web site, together with a wide range of information about school choice in Wisconsin, at **www.schoolchoiceWI.org.**

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With Vouchers, Would Religious Schools Predominate?

School choice experience in Sweden suggests not

Robert Holland and George Clowes

If parents were provided with tax-funded vouchers, or scholarships, so they could freely choose to send their child to a public school, a secular private school, or a religious school, would it lead to a preponderance of religious schools of choice?

In the Cleveland voucher program, 82 percent of the private schools participating in the 1999-2000 school year had a religious affiliation, and 96 percent of participating students were enrolled in religiously affiliated schools.

A recent study of the results of 10 years of voucher use in Sweden suggests the Cleveland outcome is unlikely to be repeated under conditions where the value of the voucher is comparable to per-pupil spending in the public schools and where there is easy entry of new private schools into the marketplace.

Sweden vs. Cleveland

In Cleveland, the $2,500 voucher provides little incentive for secular private schools to participate or establish new schools, leaving participation largely to religious schools where tuition is subsidized by their churches.

By contrast, religious schools in Sweden account for "a small (14 percent) and shrinking share of the total number of independent schools," report Swedish economists and researchers Mikael Sandström and Fredrik Bergström in a January 2003 report from the Milton and Rose D. Friedman Foundation.

In Sweden, parents have the right to choose their child's school, with independent schools—including religious schools—funded at 85 percent of the average cost per student in the public schools. It is relatively easy to get public funding for an independent school in Sweden. For-profit schools are permitted.

Before the choice plan was instituted in Sweden, it was mainly parents with strong religious convictions who chose the private alternative, a decision the religious schools often aided by accepting voluntary work or donations to reduce the cost of attending.

However, with full choice under a fully funded voucher system, "school becomes a more normal market, where different schools compete through the quality of education by offering special subjects or focusing on children with special needs," the Swedish team maintained. Corporations run 30 percent of the independent schools, and some companies are expanding rapidly.

"Religious schools will certainly continue to exist, but the market to which they appeal is limited," asserted Sandström and Bergström.

Estimating Market Share

A 1999 projection by *School Reform News* estimated U.S. religious schools also would not expand as rapidly as secular private schools if parental choice were implemented. The projection was based on a 1999 Phi Delta Kappa/Gallup Poll in which public school parents were asked where they would send their oldest child to school if the government paid the tuition.

Fifty-one percent of respondents chose the same public school, 5 percent chose another public school, 22 percent chose a private school, and 17 percent chose a church-related school.

School Reform News estimated the following education market shares would result if parents were able to make these choices—assuming undecided parents kept their children in their current school:

- Public schools' share would drop from 88.7 percent to 54.1 percent.
- Religious schools' share would increase from 9.6 percent to 24.7 percent.
- Secular private schools' share would increase from 1.7 percent to 21.2 percent.

Although religious schools would educate a much larger number of students than they do today, they would command a smaller share of the independent school market than is currently the case.

Religious Mission Not a Priority

Such projections do not surprise Brian L. Carpenter, director of leadership development with the Mackinac Center for Public Policy, who was a Christian school founder and superintendent for 12 years.

While not discounting the importance of the religious mission of Christian schools, Carpenter believes the three main reasons parents choose religious schools are academic performance, safety, and accountability. Secular private schools offering these features would compete effectively against religious schools, he argues.

"I think the Christian school movement fails to realize the primary reason for its success in attracting students in the last 20 years has been its academic performance rather than its religious mission," says Carpenter.

While having 46 percent of K-12 students in independent schools is very high by present U.S. standards, the Netherlands has 70 percent, the largest share among European nations. That is the result of a historic compromise in 1917, which resolved the long-contentious issue of whether the state or church should have main responsibility for schooling the young. A constitutional amendment that year made it the government's obligation to fund independent schools on an equal basis with state-run schools, and the market has taken over from there.

In contrast to the debate in the U.S. over separation of church and state, where direct government funding of religious schools is regarded as compromising freedom of religion, "the right of churches to run schools in Europe has often been regarded as a way to *uphold* freedom of religion," explained Sandström and Bergström. [emphasis added]

Robert Holland is a senior fellow at the Lexington Institute, a think tank in Arlington, Virginia. George Clowes is managing editor of School Reform News.

INTERNET INFO

The January 2003 report by Mikael Sandström and Fredrik Bergström, "School Choice Works! The Case of Sweden," can be found at the Web site of the Milton and Rose D. Friedman Foundation at **http://www.friedmanfoundation.org/schoolchoiceworks/swedenstudy0103.pdf**. The 32-page report is also available through *PolicyBot*; search for document #**11451**.

The *School Reform News* projection of education market shares was reported in the October 1999 issue. The article, "Estimating the Education Market," is available on the Internet at **http://www.heartland.org/Article.cfm?artId=11181**.

The full text of the 1999 Phi Delta Kappa/Gallup Poll of the Public's Attitudes Toward Public Schools is available online at **www.pdkintl.org/kappan/kpol9909.htm**.

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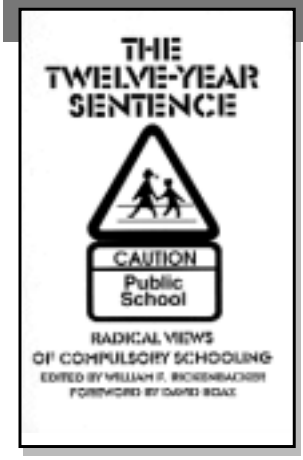

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Previous DC Voucher Proposals

Kelly Amis Stewart

1995

In 1995, the U.S. House passed an amendment to the FY96 Appropriations bill for the District of Columbia that would provide low-income DC students with vouchers to attend DC private schools or receive supplementary services. The measure was dropped from the House-Senate conference committee bill when opponents vowed a filibuster.

1997-98

There were unsuccessful attempts in 1997 and 1998 to attach DC voucher legislation to the District of Columbia Appropriations Acts.

1998

The District of Columbia Student Opportunity Scholarship Act of 1998, Senate Bill 1502, passed both the House and Senate but was vetoed by President Bill Clinton on May 20, 1998. The measure would have created a DC "Scholarship Corporation" to administer vouchers for low-income students to attend public or private schools in DC and nearby suburbs, or to pay for out-of-school-time special programs. The measure was introduced by Sen. Dan Coats and cosponsored by Senators Sam Brownback, Mary Landrieu, Judd Gregg, and Joseph Lieberman. There was an attempt in August of that year to resurrect the measure, but it stalled in the House.

2002

In 2002, Rep. Richard Armey introduced House Bill 5033, the District of Columbia Student Opportunity Scholarship Act of 2002, which attracted 67 cosponsors. Senator Judd Gregg introduced its companion in the Senate; cosponsors were Sam Brownback, Larry Craig, and Tim Hutchinson. The bills did not make it out of committee.

2003

Rep. Jeff Flake and Senator Judd Gregg introduced the DC Student Opportunity Scholarship Act of 2003 to establish a "District of Columbia Scholarship Fund," managed by a publicly appointed board of directors, that provides vouchers for low-income students to attend schools in DC and nearby suburbs or receive supplementary services.

2003

President George W. Bush included a "Choice Incentive Fund" in his FY04 budget proposal to provide $75 million in competitive grants to states, school districts, and community organizations to expand school choice for students in low-performing schools. A portion of the funds would be reserved for the District of Columbia.

Kelly Amis-Stewart

Kevin Chavous, left, chair of the District of Columbia Council's Education, Libraries and Recreation Committee, at hearings on school choice plans for students. Virginia Walden-Ford, right, testifying at the hearings.

DC Vouchers

continued from page 1

Bush's budget proposal for fiscal year 2004 and would reserve federal funding to expand school options in DC in all education sectors—public, charter, and private. The second measure is Congressman Jeff Flake's (R-Arizona) "DC School Choice Act," which would create a publicly financed private school voucher program for low-income DC students.

Broad Support for Choice

Councilman David Catania said he feels compelled to support school vouchers for District children because low-income DC families have few if any educational choices, while parents with resources can afford private school options for their children, and many middle-income parents can make the choice of "a U-haul and a move to the suburbs."

Participating parents applauded and echoed that sentiment. Jackie Pinckney-Hackett, a local PTA president whose two sons attend District of Columbia Public Schools (DCPS), testified she supports school choice because "it benefits the student and encourages competition." And, she added, she had no problem with the federal government funding school vouchers for DC children.

"If Uncle Sam wants to foot the bill for a school choice program, I suggest we take it, given that this money is not part of the DCPS budget," she said. "Besides, how often is it that our relatives offer to give us anything?"

Other parents shared personal stories of sacrifice, including one mother who is putting her own college education on hold so she can afford parochial school tuition for her children. Virginia Walden-Ford, founder of DC Parents for School Choice and a prominent local activist on this issue, said she was "pleased that parents at last had the opportunity to speak out on their own behalf." She called the parents' testimony "extremely powerful."

Momentum for Choice

Chavous said momentum to expand school choice options in the District has increased in the wake of the U.S. Supreme Court's *Zelman* decision, which upheld the constitutionality of parents using publicly funded school vouchers at private schools in Cleveland, Ohio. Chavous shared his view that "one size doesn't fit all" with regard to schools, and urged the Committee to explore every option available to students.

Chavous noted the Council's steadfast support of the DC charter school program and its significant benefit to the local K-12 system as an "engine of change." Two of those testifying spoke primarily about the choices already made available in the District by the more than 30 charter schools in operation, detailing ways the Council could further strengthen and expand the charter program, already considered one of the strongest in the nation.

Not All in Favor

Nevertheless, Chavous argued any expansion of school choice in DC should be at the behest of the community and not imposed by federal authorities—an issue that is central to much of the on-the-ground opposition to federal education measures aimed specifically at students in the District.

"The vast majority of those testifying in the six-hour discussion ... spoke in support of publicly funded school choice involving private schools and mentioned the two federal proposals."

The Council's most outspoken critic of the federal school choice proposals, Councilman Adrian Fenty, made it clear that regardless of the purpose, he considers unconstitutional any attempt by the federal government to bypass "home rule" and legislate policy for the District. In early March, Fenty introduced a measure "to declare the sense of the Council" to oppose President Bush's "school voucher program" and "to recommend that the funds be forwarded" to DC public and charter schools instead. The measure was tabled.

Anise Jenkins, of Stand Up for Democracy, testified that her organization also strongly opposes any federal attempt to impose policy on DC. She noted that while she personally opposes publicly funded vouchers, she was not representing the views of the organization on the issue.

During the public forum, Fenty voiced his opposition to vouchers, saying his job is to help "every child" in DC and stating he hasn't seen any "demonstrable impact" of other school voucher programs. Former DCPS program coordinator Jeff Edmonson, now with the 21st Century School Fund, said vouchers are "bad public policy" and claimed there is "no proof that competition will improve the public schools." Edmonson later charged that "vouchers fragment communities."

Chavous closed the hearing by stating his opposition to Congressman Flake's bill, which he likened to former Representative Richard Armey's proposal (see sidebar). However, the Councilman admitted being intrigued by the White House proposal—which would allow District city leaders latitude in designing a comprehensive school choice plan—and said he would continue discussions with U.S. Secretary of Education Roderick Paige to see if and how it might result in increased support for all of the District's students and schools.

Kelly Amis Stewart is an education consultant and co-author of Making it Count: A Guide to High-Impact Education Philanthropy *with Chester E. Finn Jr. Her email address is* **KLAmis@aol.com.**

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Florida Voters

continued from page 1

grade, 22 pupils in grades 4-8, and 25 students in high school.

Bush is urging the Republican-controlled legislature to call a special election allowing voters to reconsider the amendment. However, a three-fourths vote is required and Bush does not appear to have the support of enough Democrats to make it happen. Some Republicans also have balked.

U.S. Class Size Studies

Under former Governor Pete Wilson, California mandated classes no larger than 20 pupils through the third grade. The price tag has mushroomed to $4 billion, and school districts are putting the so-called 20-1 program on the chopping block in a desperate effort to find money to run the schools.

INTERNET INFO

The March 26, 2002 paper, "Class-Size Effects in School Systems Around the World: Evidence from Between-Grade Variation in TIMSS," can be found on the internet at **http://www.ksg.harvard.edu/pepg/papers.htm**.

The February 19, 2003 paper, "Missing Links: Class Size, Discipline, Inclusion and Teacher Quality: A Response to the Vinson Report on Public Education in New South Wales," can be found at **www.cis.org.au/IssueAnalysis/ia29/IA29.htm**.

Research has failed to show that reductions in class sizes have yielded improvements in performance. The Class-Size Reduction Consortium found the large number of extra teachers necessitated by the mandate led to a lowering of teacher quality that could have wiped out any benefits of smaller classes.

Policy changes that started in the Golden State about the same time—including the virtual end of bilingual education and social promotion, and the start of statewide testing and a back-to-basics curriculum—may have been more responsible for student achievement gains.

A study by Louisiana's Education Department, released in February, concluded that class size has much less impact on student achievement than the quality of teacher preparation.

International Studies

Research examining class size effects on an international level was conducted under the auspices of the Program on Education Policy and Governance at Harvard University. Researchers Ludger Woessmann and Martin West looked at the effect of class size on student performance in 18 nations. They found sizeable beneficial effects of smaller classes only in Greece and Ireland, and the total absence of even small effects in Japan and Singapore. In other countries, their analysis ruled out significant class size effects.

In general, they found class size to be more important when teachers are relatively less effective. They concluded, "it may be better policy to devote the limited resources available for education to employing more capable teachers rather than to reducing class sizes—moving more to the quality side of the quantity/quality tradeoff in the hiring of teachers ..."

In Australia and New Zealand, controversy has erupted over an academic's study—the Vinson Report—that relied largely on the vaunted Tennessee STAR study to argue for class size reductions for 5- to 8-year-old children. Jennifer Buckingham, a policy analyst for The Centre for Independent Studies, countered Vinson by observing that reducing classes from 25 to 20 would yield only two extra minutes of individual instruction per day. She said the Tennessee study was flawed in its methodology and the vast majority of other studies show no significant effect of class size on student achievement.

"It is far more valuable, both in educational and economic terms," Buckingham wrote, "to have good teachers than lots of teachers. The first priority is to ensure that the current and incoming teaching force is as good as it can be, by improving teacher education and in-service training and removing ineffective teachers."

Compliance through School Choice

If Florida does proceed with the class size mandate, there may be one way to comply without drastic spending cuts or a tax hike: expanded school choice.

Florida TaxWatch, a nonpartisan research organization, has noted that by expanding its corporate income tax credit for donations to private scholarships, Florida could reduce class sizes while saving taxpayers millions of dollars.

Governor Bush also has broached the idea of broadening the state's offer of vouchers to students wishing to transfer to private schools.

Robert Holland is a senior fellow at the Lexington Institute, a public policy think tank in Arlington, Virginia. His e-mail address is **rholl1176@yahoo.com**.

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A BOSTONIAN TAKES ON THE BLAINE AMENDMENT

Cornelius "Con" Chapman

Laura J. Swartley

When asked how he became interested in the school choice movement, Cornelius "Con" Chapman talks about the Fall of 1957, when federal troops could be seen on TV each night, forcibly integrating public schools in Arkansas.

At the time, Chapman had just entered first grade in a Catholic school. One of his classmates was African-American, and there were several others in the first eight grades, all attending a voluntarily integrated school with no force or federal troops required.

"So, from my first year of formal schooling," explained Chapman, "I've been aware that public institutions can have mistaken policies—in this case, the vestiges of 'separate but equal'—and that a system with different principles can offer a counter-example and competition when public schools go astray."

Chapman is a corporate lawyer in Boston, whose own two sons attended public schools: "Like many Americans, my family 'bought' its public schools when we bought our house," he said.

The vast inequality between low- and higher-income Americans was brought home to him when his son came home from third grade and asked him if he was going to be sent to private school the next year. "I said 'no' and asked him why he wanted to know," said Chapman. He said his teacher had asked his class the question that day in school.

Chapman discovered it would be highly unlikely for a third-grade teacher to ask that same question of students in a low-income-area school in Boston, which means (a) those students don't have choices and (b) their school systems know it. Those school systems have no incentive to poll students as to their plans, "since they don't have to improve to keep them and their tax dollars captive," he explained.

Chapman is a co-founder of the Coalition for Parental Choice in Massachusetts, an umbrella group that unites a number of organizations with different approaches to the issue of public education. They are united by the principle that the most effective way to transform K-12 education in America is to put purchasing power in the hands of consumers—namely, parents and guardians of school-age children.

The group has done its share of "good cop and bad cop work," explained Chapman—for example, administering a Children's Scholarship Fund for six low-income cities in eastern Massachusetts, administering its own scholarship program called "Give a Child a Chance," and orchestrating the Blaine amendment lawsuit now making its way through the state court system. The Massachusetts amendment is particularly restrictive and precludes any funding flowing from the government to religious institutions like parochial schools.

Chapman would like to see a "G.I. Bill for K-12 education." He has drafted legislation for educational IRAs that would include a refundable tax credit for families that don't have taxable income, so even the lowest-income parents could save for their children's future educations.

He advocates vouchers over all other types of school choice, though, because he sees them as putting "immediate purchasing power to buy educational reform in the hands of those people with the greatest incentive to find the best producer of education for their children: parents." For example, he knows one Mattapan mother who sends her two daughters to Catholic school in alternating years because she could afford to pay only one private school tuition a year.

In a *Boston Globe* profile of Chapman in February, he was described as "one of those suburban parents who has kept the issue rooted around poor parents. One would certainly not call him a low-income parent, so he's standing up for people who are not like him."

School Choice Roundup

George A. Clowes

ARIZONA

Senate Passes New Tax Credit Plan

By a 16-13 vote on March 24, the Arizona Senate approved a tax credit plan that would permit corporations to redirect their tax payments to scholarships for low-income students to transfer from public schools to private schools, both secular and religious. Initially, the program would be capped at $10 million a year, rising to $50 million after four years.

Arizona currently permits individuals to receive a dollar-for-dollar credit of $500 a year for donations to organizations that award private school scholarships. Couples get a $625 credit. These scholarships may go to students already in private schools and there are no income restrictions.

Although tax credits often raise concerns about losses to the state treasury, the measure's chief proponent, Senator Mark Anderson (R-Mesa), assured fellow legislators the new credit in SB 1263 would be revenue-neutral. According to a budget staff analysis, the state would suffer no net loss because the credits would be limited to about $2,500 per student and the state would save $4,500 in state aid for each student leaving the public schools.

"Competition makes everybody better," Senator Jack Harper (R-Glendale) told *The Arizona Republic*, saying he was in support of anything that provides competition for public schools.

Although the House Ways and Means Committee subsequently voted 9-3 on April 1 to approve the measure, Governor Janet Napolitano threatened to veto it.

Arizona Daily Star
March 25, 2003
April 4, 2003

CALIFORNIA

Vouchers Proposed for Compton District

California's 30,000-student Compton School District, taken over by the state in 1993 for academic and fiscal mismanagement, is still one of the state's worst-performing districts, and board decisions are still subject to reversal by a state-appointed trustee.

Two proposals to reform the troubled district have been submitted to the California legislature, one giving more authority to the school board and the other giving more authority to parents.

One bill, AB 61, introduced by Assemblyman Mervyn M. Dymally (D-Riverside), would return financial decision-making authority to the school board this year rather than next year.

The second bill, AB 349, introduced by a long-time vouch-

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er advocate, Assemblyman Ray Haynes (R-Murrieta), would allow Compton District parents to choose private schools for their children by means of a voucher-style "scholarship" that would be attached to students and travel with them to the secular or religious private school of their choice. The proposal is modeled after Cal Grants, a popular college program that provides grants of up to $9,708 a year to financially needy students.

"What we need in Compton is a revolution," Haynes told *The Los Angeles Times*.

The District would be a good test model for the rest of the state, explained Haynes, and the plan would get a five-year trial in Compton before being evaluated and possibly expanded elsewhere. Haynes said he introduced the plan at the request of 50 Compton parents and the Coalition on Urban Renewal and Education, a nonprofit think tank based in Los Angeles.

Los Angeles Times
March 24, 2003

COLORADO

Bill Would Create Vouchers for College

As well as debating the creation of vouchers for K-12 education this year, Colorado legislators also are considering the creation of vouchers for college students.

During the last week in March, House Majority Leader Keith King (R-Colorado Springs) and Senator Ken Arnold (R-Westminster) introduced House Bill 1336, which would send higher education funds directly to college students rather than to state colleges based on enrollment.

The vouchers would be worth about $4,000 a year for four years and would be available to students who attend state colleges. Students would be responsible for paying the balance of the tuition, approximately $2,400 a year. The bill also includes a proposal to increase tuition at larger universities by up to 5 percent and to decrease tuition at junior colleges by up to 25 percent.

The measure, a recommendation from last year's report of Governor Bill Owens' Blue Ribbon Panel for Higher Education, is generally supported by higher education officials since it is expected to increase the number of students who pursue a college education.

Durango Herald
March 24, 2003

CONNECTICUT

PTO, Teacher Union Assail Vouchers

Only five days after Connecticut Governor John Rowland proposed school vouchers in his state budget message on March 4, officials from the Connecticut Education Association (CEA) and Highcrest School PTO were appearing in TV ads broadcast during *60 Minutes* to assail the voucher proposal and an accompanying reduction in state education funding.

Under his school choice initiative, the Republican governor has proposed allowing parents of children in "failing" schools to take up to $3,000 in state funds to attend the school of their choice, including public, magnet, charter, or private schools.

The teacher union argued the $3,000 vouchers would "rob local public schools" of critical education dollars and allow the funds to go to private schools. The Connecticut Conference of Municipalities also joined the CEA in opposing Rowland's cuts in the state education budget, focusing mainly on a $27 million reduction in the Education Cost Sharing fund to $1,488 million.

Governor's Budget Presentation
March 4, 2003
Wethersfield Post
March 28, 2003

CHAMPIONS of CHOICE

Ray Haynes
Assemblyman, California

John Rowland
Governor, Connecticut

Peggy Cooper Cafritz
School Board President, District of Columbia

Mike Foster
Governor, Louisiana

DISTRICT OF COLUMBIA

Vouchers Inevitable, Cafritz Says

District of Columbia School Board President Peggy Cooper Cafritz has always made her opposition to school vouchers very clear to friendly and unfriendly audiences alike. However, seeing that school voucher legislation "is certain to pass" the U.S. Congress, Cafritz recently dropped her opposition, characteristically laying out her new views very clearly in a March 29 op-ed piece in *The Washington Post*.

"We should join the U.S. Department of Education in forging a system that includes vouchers, charter schools, and public schools—one that would afford children in the District the best possible education," she declared. To accomplish this, she continued, "We must ... accept the federally proposed voucher or scholarship program."

Cafritz also encouraged the replication of high-performing charter schools and proposed working with Cardinal Theodore McCarrick to ensure quality Catholic schools were available in the District.

"One of three adults in this city is functionally illiterate," said Cafritz, who then delivered an indictment of the present public school system. "Each one was once a child whom we failed to educate, a child we delivered to a life of dependency and an overburdened social service system, a child we excluded from the workforce—a child that we excluded from democracy."

While the editorial writers of *The Washington Post* and *Wall Street Journal* praised Cafritz's new stance on behalf of DC children, voucher opponents were shocked by her change of heart. District Delegate Eleanor Holmes Norton, for example, called Cafritz's proposal "unprincipled and operationally impossible."

The Washington Post
March 29, 2003; April 1, 2003
Wall Street Journal
April 4, 2003

FLORIDA

Florida Continues to Develop New Choice Options

Florida legislators continue to develop new school choice options for students in the Sunshine State, apparently not content with having initiated three innovative school choice programs in recent years: vouchers for students to transfer from failing schools, McKay vouchers for special education students, and vouchers funded by a corporate tax credit program.

- On March 24, the House Education Innovation Subcommittee approved 4-2 a bill that would permit school boards to use vouchers to lower class sizes, create a voucher program for kindergarten, and double the corporate tax credit program from $50 million to $100 million a year.
- On March 25, the Florida House approved a bill that would provide $10 million in corporate tax credits to allow soldiers' children to attend private schools.

LOUISIANA

Foster Offers Voucher Plan

By the time the Louisiana legislature opened this year's session on March 31, voucher opponents from teacher unions to school boards already had expressed their concerns about a school choice proposal being developed by Governor Mike Foster. However, a few days after the legislature convened, the Archdiocese of New Orleans released poll results showing widespread support for school vouchers among voters across the state.

The Republican governor's proposal, introduced on March 28, would allow low-income students in academically failing schools to use a publicly funded voucher for payment of tuition at a private school. For each student, the voucher would be worth the amount of per-pupil state funding provided to the student's district. In Orleans

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The Friedman Report

CONTINUED

Parish, this would be about $3,200.

Details of Foster's proposal were incorporated into House Bill 1337, sponsored by Rep. Carl Crane (R-Baton Rouge), chairman of the House Education Committee. The bill calls for a four-year pilot program starting in 2004-05. To show how much students are learning, participating private schools would be required to test all of their students, using a modified version of the state's accountability program.

"Accountability is the cornerstone of this governor's efforts to reform education," Foster's education policy advisor, Mike Wang, told *The Times-Picayune*.

The Archdiocese's poll, conducted on 600 voters statewide in February, found 89 percent of black respondents and 84 percent of white respondents in favor of students being allowed to transfer from failing public schools to other public, charter, or private schools. Seventy-three percent of respondents said they would support having children from failing schools come to the school their own children attend.

The poll also reported 57 percent of respondents supported "providing a school voucher to parents to pay tuition for whatever school they choose," including religious schools. Thirty-two percent opposed the idea.

Although Catholic schools have been leading the push for school vouchers in Louisiana, they are opposed to using the state's standardized testing program. They want voucher students to take the same standardized tests their tuition-paying students currently take.

The Times-Picayune
March 29, 2003; April 5, 2003

MISSOURI

Coalition Forms to Fight Choice

Republican lawmakers in Missouri have introduced at least 10 bills related to school vouchers and tuition tax credits already this year, attracting the attention of anti-voucher groups.

More than 24 groups opposed to parental choice options like vouchers and tuition tax credits are forming a coalition called People for Public Schools to fight legislative efforts to implement choice options in Missouri.

"We feel that vouchers and other such schemes undermine public education," Missouri PTA Vice President Darrell Swofford told the *Jefferson City News Tribune*.

"There's not enough money to go around," said Gary Sharpe, director of the Missouri Council of School Administrators.

Other members of the coalition include the local affiliates of the National Education Association and American Federation of Teachers, labor and civil rights groups, and the leaders of several clergy groups.

Jefferson City News Tribune
March 14, 2003

NEW HAMPSHIRE

Paying Parents to Take Their Children Out

A group of Republican lawmakers in New Hampshire has come up with a novel solution for handling the state's expected increase in student population of 2,500 students a year for the next 10 years: Pay parents to withdraw their children from the public schools.

Doing so would save taxpayers not only the per-student cost of $7,500 a year, but also the cost of constructing schools and classrooms to house the added students—a cost estimated at about $20,000 per pupil.

Under House Bill 603, parents would be offered about $1,700 if they choose to withdraw their child from the public school in their community. According to one of the bill's sponsors, Rep. David Scott, there are five benefits of the bill:

- It would relieve the pressure and costs to build more public schools.
- The new competition would provide further incentive for the local public school to improve.
- Taxpayers would spend slightly less on a per-pupil basis.
- Local public schools would not lose funds on a per-pupil basis.
- Parents seeking an alternative education environment for their child would benefit.

"If the public school population remains constant and this increase of students goes to alternative schools, pressure is removed in New Hampshire for spending $50 million per year of taxpayer money for new school buildings," argued Scott.

The House Education Committee reported the bill as Inexpedient to Legislate, and that recommendation was accepted by a majority House vote on March 25.

Dover Community News
March 21, 2003

OHIO

Vouchers Proposed for Autistic Children

Of the 228,945 students in Ohio receiving special education, 4,017 are autistic and are being taught in schools throughout the state. The daughter of State Rep. John Peterson (R-Delaware) is one of them.

While Peterson is pleased with the services the Delaware City School District has provided for his daughter, he recognizes other parents across the state may not be quite as satisfied with the services received by their children. Peterson has proposed providing the parents of autistic children with state vouchers so they can seek out alternatives to the services provided by their local public schools.

Under Peterson's plan, the vouchers would be worth less than the per-pupil amounts school districts currently spend to educate autistic children. If the alternative services parents choose for their child cost more than the voucher amount, the parents would have to make up the difference.

Although the Ohio Association of School Business Officials (OASBO) typically opposes voucher programs, OASBO legislative services director Barbara Shaner told *This Week* that Peterson's proposal could be worth discussing.

This Week (Ohio)
March 27, 2003

UTAH

Leavitt Blamed for Tax Credits Failure

In early March, Utah lawmakers failed for the third time in three years to achieve passage of a bill that would grant tax credits for private school tuition. Backers of the credit blamed the loss on Governor Mike Leavitt, who had threatened to veto the measure.

"Governor Mike Leavitt's constant veto threats and demagoguery during the past month led to the bill's demise in the House," tax credit supporter Jordan Clements told *The Salt Lake Tribune*.

This year's effort, contained in Senate Bill 34, would have given tax breaks to parents with children in private schools—a credit of up to $2,132 against their state income taxes—and to businesses, which would have received a credit for donations to scholarship-granting organizations.

Although the measure was supported by the governor-appointed Employers Education Coalition, an intense campaign was waged against it by the Utah Education Association (UEA), state education officials, school boards, and Leavitt.

The bill easily passed the Senate but was turned back by the House after being combined with an education reform bill, Senate Bill 154. After being removed from SB 154, the measure failed to attract enough House votes to merit further consideration.

The bill's sponsor, Sen. Chris Buttars (R-West Jordan), said he would bring tuition tax credits back again next year.

"We have a governor who has walked lockstep with the UEA to hold their support for him," Buttars told *The Salt Lake Tribune*. "You will never move education forward until you return the fiscal rights to the parents."

Salt Lake Tribune
March 5, 2003

WISCONSIN

John Gardner Defeated in Milwaukee School Board Election

Voucher advocate John Gardner, a persistent and unique voice for reform on the Milwaukee school board for the past eight years, lost his race for re-election on April 1 to challenger Tom Balistreri, a former high school principal who was strongly backed by the teacher union.

Although four other reformers—Board President Jeff Spence, Joe Dannecker, Barbara Horton, and Ken Johnson—were returned to the board, the loss of Gardner means reformers no longer hold the majority.

Four years ago, Gardner—a self-described "radical left-winger"—easily retained his city-wide seat in a contentious election that focused primarily on school vouchers. This time, the focus was not so much on vouchers as on employee benefits.

The board is facing budget problems because of the soaring costs of health insurance and a supplemental teacher pension put in place five years ago. Gardner said the benefits were "outrageous" and called for eliminating the extra pension, or at least having the teachers themselves, instead of taxpayers, pay for it.

"We're going to see who has more votes in this race, the parents or the pensioners," Gardner commented in the pre-election run-up.

Wall Street Journal
March 20, 2003
Milwaukee Journal-Sentinel
April 2, 2003

INTERNET INFO

John Gardner's report, "Milwaukee's Public Schools: The Untold Story of America's Newest Democratic Revolution," is available from the Web site of Marquette University's Institute for the Transformation of Learning at **www.school-choiceinfo.org/hot_topics/pdf/83.pdf**. The 34-page report is also available through *PolicyBot*; search for document #**12071**.

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Six Bills Would Expand Choice in Vermont

Six bills introduced in the 2003 session of the Vermont legislature would expand parental choice in education:

H. 57 — Special Education Vouchers: Sponsored by Rep. Carl Haas, this bill would create a Rutland and Chittenden County demonstration program where local school districts would give vouchers to special education students to attend other public or independent schools.

H. 77 — Charter Schools: Sponsored by Rep. Frank Mazur, this bill would authorize school districts, the State Board of Education, the University of Vermont, or a state college to create charter schools.

S. 121 — Public School Choice: Sponsored by Sens. Hull Maynard, Kevin Mullin, and Mark Shepard, this bill would require districts to pay 90 percent of the general state support grant to other public schools chosen by parents.

H. 198 — Tax Credit for Educational Assistance Organizations: Sponsored by Rep. Harvey Otterman and 14 others, this bill would authorize a 50 percent tax credit for contributions to organizations that award means-tested tuition scholarships to students attending private schools. Individual credits would be capped at $10,000 and corporate credits would be capped at $100,000.

H. 235 — Tax Credit for Home Schooling: Sponsored by Rep. Harvey Otterman and 17 others, this bill would authorize a tax credit of up to $500 a year per child for educational expenses related to home schooling.

H. 262 — "The Chittenden Bill": Sponsored by Rep. Harvey Otterman, this bill would allow a school board to tuition pupils to independent faith-based schools, a practice struck down by the Vermont Supreme Court in 1999.

Suit Aims to Open Choice to Religious Schools

Although the U.S. Supreme Court's June 2002 ruling in the *Zelman* case upheld the inclusion of religious schools in the Cleveland voucher program, the Vermont Department of Education continues to bar religious schools from the Green Mountain State's much older voucher program, called "tuitioning."

The state supreme court ruled in 1999 that tuitioning to religious schools is unconstitutional in Vermont because Vermont's constitution is more restrictive than the federal constitution on issues of church and state.

On March 20, Richard Komer, a lawyer with the Institute for Justice, a public interest law firm, announced the filing of a federal lawsuit aimed at overturning the 1999 ruling and reinstating religious schools in the tuitioning program. The suit was filed on behalf of three Vermont families who were denied tuitioning funds for religious schools.

"Vermont's tuitioning program offers school choice to everyone except parents who choose religious schools," said Komer. "The program should not favor religion, but it can't discriminate against religion either."

According to the Institute, barring parents from selecting religious schools in the tuitioning program is a violation of the parents' First Amendment rights to freedom of religion and speech, and of the 14th Amendment's Equal Protection Clause.

Corporate Tax Credits Work in Pennsylvania

A report on Pennsylvania's Educational Improvement Tax Credit (EITC) program shows the two-year-old initiative is producing benefits not only for parents and students but also for the public school system and taxpayers.

During the 2002-03 school year, an estimated 15,000 to 20,000 low-income students were benefitting from the program, supported by more than $18.9 million from nearly 1,000 Pennsylvania corporations through 127 local scholarship organizations.

Signed into law by Governor Tom Ridge on May 17, 2001, the EITC permits Pennsylvania businesses to receive a 75 percent tax credit for single-year donations to organizations that provide private school scholarships to children from low-income families. Two-year donations are eligible for a 90 percent credit. Currently the EITC is capped at $20 million a year for the private school scholarships and at $10 million a year for "innovative" public school programs.

After examining the experiences of students and families participating in the scholarship program named Futuro Educacional (Futures in Education), Villanova University political science professor Robert Maranto concluded the EITC program had the following benefits:

- The scholarships primarily benefit low-income, minority students.
- Parents and guardians choose private schools based on academics, safety, and religion.
- Parents and guardians rate the private schools as superior to Philadelphia public schools, and report high levels of satisfaction with their child's private school.
- The Futuro scholarships save Pennsylvania taxpayers and Philadelphia City Schools more than $360,000 annually.

"Everyone—children, parents, taxpayers, and public schools—benefits from the EITC," said Foundation President Matthew J. Brouillette. "Children and parents get more, and taxpayers and public schools pay significantly less."

Noting the $20 million credit for scholarships equals just 0.1 percent of the total public education funding in Pennsylvania, Brouillette recommended an expansion of the EITC. That would provide additional relief to public schools for rising costs and crowded classrooms, he said, as well as providing Pennsylvania's neediest children with better educational opportunities.

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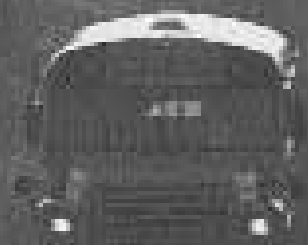
Lessons from History, Advice for Today



"What then is the American, this new man?... He is an American, who, leaving behind him all his ancient prejudices and manners, receives new ones from the new mode of life he has embraced, the new government he obeys, and the new rank he holds. He has become an American by being received in the broad lap of our great Alma Mater. Here individuals of all races are melted into a new race of man, whose labors and posterity will one day cause great changes in the world."

J. Hector St. John De Crevecoeur
***Letters From An American Farmer* (1782)**

De Crevecoeur marveled at the cultural melting pot that transformed eighteenth century immigrants into citizens of the New World.

But, as education historian Charles L. Glenn Jr. discovered in researching his 1988 book, *The Myth of the Common School*, Horace Mann and other social reformers had no faith that this spontaneous naturalization process would be effective in converting the Irish Catholic immigrants of the 1840s into what they regarded as "true Americans."

Mann deemed necessary a new state institution, one that would shape the loyalties and values of immigrant children and detatch them from the prejudices of uneducated parents and an alien religion. That institution was the Common School.

Glenn, currently professor of Administration, Training and Policy Studies and Fellow of the University Professors Program at Boston University, has written extensively on education history and policy, with particular emphasis on the conflict between the rights of parents and the interests of the state. His two most recent books are *The Ambiguous Embrace: Government and Faith-based Schools and Social Agencies* (2000), and, together with Professor Jan De Groof of Ghent, a 26-nation study of *Finding the Right Balance: Freedom, Autonomy and Accountability in Education.*

As well as teaching and writing, Glenn is active in educational policy debates in the United States and Europe. He is vice president of OIDEL, a Geneva-based international organization that promotes educational freedom; he has served as a consultant to the Russian and Chinese education authorities, and to states and major cities in the U.S.; and he has been called as an expert witness in federal court cases on school finance, desegregation, and bilingual education.

From 1970 to 1991, Glenn was director of urban education and equity efforts for the Massachusetts Department of Education. He received his B.A. and Ed.D. from Harvard and his Ph.D. from Boston University. Since 1963, he has been an ordained minister serving inner-city Boston churches. Glenn recently spoke with *School Reform News* Managing Editor George Clowes.

AN INTERVIEW WITH CHARLES L. GLENN, JR. BY GEORGE A. CLOWES

CLOWES: *How was education provided in the U.S. before the advent of Horace Mann's common school?*

GLENN: As of 1800, almost every town in New England had a school that was supported by local taxes with a teacher appointed by the local school committee, which usually included the minister of the town. The state—that is, first the provincial legislature, then the colonial legislature, and finally the state—required that. That was the New England model.

In the middle-Atlantic states, most of the schools were actually founded and supported by church groups because the population was ethnically very mixed due to immigration. The Dutch had their schools, the Germans had theirs, and so on. In the South, of course, schooling was very scanty.

New England already had close to universal literacy before the coming of the common school. Horace Mann's concerns were not with providing schooling but with making schooling an effective instrument for social reform. He saw education as a way of achieving more uniformity in the society. He argued that if we just had schools that followed his model, it would be possible to close all the prisons within a generation and solve all the social problems of the day.

It was fear of the growing Catholic immigrant population that led to the closing of ranks behind the idea of the common school in the 1840s. Many Americans felt that Catholic immigrants would not assimilate and share American values. This is why we had all these laws passed that forbid providing money to non-public schools, which at that time were the immigrant schools. People like Harris Bushnell said, "Unless we compel the children of immigrants to attend our common, public schools, they will not really become Americans."

CLOWES: *So that was the basic idea behind the public schools?*

GLENN: Not behind the public schools—they already had public schools. The issue with Horace Mann wasn't having public schools, it was having the state control public schools. It's a fundamental difference. We had a system, and, indeed, to a large extent, we still have a system in which local towns control their own schools.

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What Horace Mann and his allies were opposed to was what they saw as the harmful forces of localism and religious traditionalism. Horace Mann was a very active Unitarian who was very much against orthodox Protestantism. In effect, the idea was that the common school would teach a new set of progressive values, which gradually everyone would be educated into, and thereby the progress of the nation would be assured.

That's what Horace Mann believed and what John Dewey believed. Dewey uses the word "democracy" thousands upon thousands of times in his writing but he never mentions "elections" or "parents" or "family." He talks about "democracy," but by "democracy" he doesn't mean people voting and deciding what they want. He means people like him deciding what new model of humanity ought to be created.

The communist regimes in Eastern Europe also tried to use schooling to reshape attitudes and loyalties. As we see now in Russia, the atheistic education was not able to really create a new Soviet man, as they claimed it would, but it did manage pretty successfully to root out all the traditional values, which is one reason why Russia has been having such an enormously difficult time creating anything like a healthy civil society based on mutual trust. Attempting to make the state the source of moral authority and of life orientation does immense harm, even if it doesn't succeed.

"Horace Mann's concerns were not with providing schooling but with making schooling an effective instrument for social reform."

CLOWES: *What, then, is the purpose of education?*

GLENN: There's always been an implicit distinction between instruction and education, often provided by different entities. "Instruction" is learning how to do things, learning how to read and write, learning how to be a carpenter, learning higher mathematics, and so on.

"Education" is what the Germans call *bildung*, the shaping of the entire person, a process that arguably goes on throughout life. In French, the two words are quite distinct—*instruction* and *education* have those different meanings. In English, we tend to use them kind of interchangeably, but the distinction is an important one.

One trend has been a succession of thinkers, including Plato and Horace Mann and John Dewey, who have been insistent that the state ought to use schooling for the purposes of education in the sense of forming citizens upon a particular model, and believing certain things. But the Catholic church has usually insisted on going its own way, and so there's very often been conflict between the Catholic church and the state agenda of schooling.

Another trend is associated with names like John Stuart Mill in England, Orestes Brownson in New England, and Wilhelm von Humboldt in Germany, who said that for the state to engage in education is inherently dangerous. They said the state should make sure everybody can receive instruction by making it free, but not to use instruction for shaping the way children think and believe. In other words, the state ought to be neutral and support schooling that reflects any number of perspectives on the world, and is chosen by parents.

If the state tries to define what's going to be orthodoxy in school, it's going to be treading on people's convictions. The U.S. Supreme Court held in 1925 in the *Pierce* decision that the child is not the creature of the state. It held in the *Barnett* decision during World War II that the state must not impose any orthodoxy, and in last year's *Zelman* decision the court upheld the right of parents to make a choice of schools.

CLOWES: *How can private schools maintain their independence once parents begin to use publicly funded vouchers?*

GLENN: States can regulate private schools even without vouchers and so, whether or not you have vouchers, you have to ask: What sorts of constraints are you willing to accept that you feel would not injure your distinctiveness? In fact, that's really what *The Ambiguous Embrace* is all about.

There's a growing recognition that private schools simply cannot go on saying, "We're accountable to parents, so the government ought not to worry about us." That's not going to fly any more because increasingly the state is trying to get into regulating schooling. Private school organizations need to be prepared to come to the table with a well-thought-out strategy of what they will accept, rather than constantly trying to react in a negative way.

In fact, I was in Washington recently discussing this issue with the board of the Council for American Private Education. Here's what I told them, in order of ascending acceptability.

The one area where private schools must not accept government regulation is determining who they can hire as staff. For example, schools can decide that they will hire only members of their own faith. The courts have upheld this in country after country and in the United States. That's just fundamental. If you can't decide on the religious commitment of your staff, there's no way you can go on being a religious school.

Then another issue arises: Can you use lifestyle issues in hiring decisions? For example, if someone is divorced and remarried, can a Catholic school refuse to hire that person? Here again, the courts have said, "Yes."

What about gay individuals? Can schools refuse to hire them? Under present American law, a school could refuse to hire gays if the school belonged to a church which had a clearly enunciated position that homosexual activity is against its religious beliefs. Without a clear position, a school would not have a basis for refusing to hire a gay individual.

The second area is admissions criteria for the pupils. In most countries, and in the United States, Catholic, Evangelical, and other religious schools admit pupils who are not members of their faith community. Indeed, they're eager to have them. They need the students, and usually the schools are what I call "hotbeds of tolerance." However, the schools do have a right to use religious criteria in admitting pupils if they want to.

The schools also have a right, when a pupil is admitted, to require that he or she take part in the whole school program. In other words, you have to take part in the religion class and you have to attend the chapel services if they are a part of the regular program of the school. You do not have to join in the prayers. You do not have to pretend that you believe in the faith the school believes. There's a clear protection of a right of conscience of children, but you can't simply say, "I'm going to opt out of geometry because I don't believe in geometry." Similarly, you can't say, "I'm going to opt out of the religion class because I don't believe in it," if that's a part of the curriculum.

Gender may be used as an admission criteria, too, so you can have an all-boys or an all-girls school. Ability also may be used if it's related to the school's mission. A college preparatory high school, for example, can decide to admit only pupils who reasonably can be expected to be able to follow the curriculum.

CLOWES: *If a school focused on raising the achievement of low-performing students, could it deny admission to high-performing students?*

GLENN: It could. If you're an arts high school, the pupils would have to try out. If you're a two-way bilingual school, only students fluent in both languages would be admitted. However, one factor on which you could not make a choice is that of race. That's very clear.

The third area is what I call school autonomy. Schools need to maintain complete freedom of the way they organize their instruction and the world view on which their instruction is based. That could cover a specific teaching style, or how many periods in a day you're going to have.

The last area is whether private schools—regardless of whether they get government money—need to be subject to government oversight regarding accountability for results, i.e., not for the way they do things, but for the outcomes of what they do.

The way this is handled in a number of countries is that the non-public school either administers the same test as the public schools do, or they can propose an alternative way for being held accountable. This alternative is reviewed by a government board, and if the board concludes that it is generally equivalent, then the school is allowed to follow that alternative. I think we ought to be moving toward that approach.

"The issue with Horace Mann wasn't having public schools, it was having the state control public schools. It's a fundamental difference."

For example, the Waldorf Schools—the Steiner Schools—in Germany and elsewhere have received approval to use an alternative way of assessing their results. If you were doing the International Baccalaureate curriculum, you would go in and explain that it would require your students to take a different exam. In the IB case, it's an external exam, but it could be your own exam, too.

One last point is that the assessment ought to be value-added. In other words, the assessment ought to take into account the fact that it's an easy matter to achieve high academic results in an affluent suburb but it's not so easy in the inner city.

Clowes: *What would be an effective strategy for preventing the government from secularizing the mission of religious schools?*

GLENN: What I concluded in *The Ambiguous Embrace* was the real danger is a loss of nerve on the part of the religious schools and social agencies themselves. For example, nobody has required Harvard to lose its religious character—they did it on their own, as did Yale. And that's true of many Catholic, Episcopalian, and other schools in the United States—they basically drifted away from any distinctiveness. So I think a greater danger is what I would call "preemptive capitulation," or surrendering even before government asks you to.

I think schools that are very clear about what it is they stand for have a very good chance of maintaining their distinctive identity. That's been the case in the Netherlands, where 70 percent of children attend private schools and where private schools are regulated in exactly the same way as the public schools. Some of those private schools are indistinguishable from public schools, but many of them are very distinctive. It really depends on what the school does, not on what the government does.

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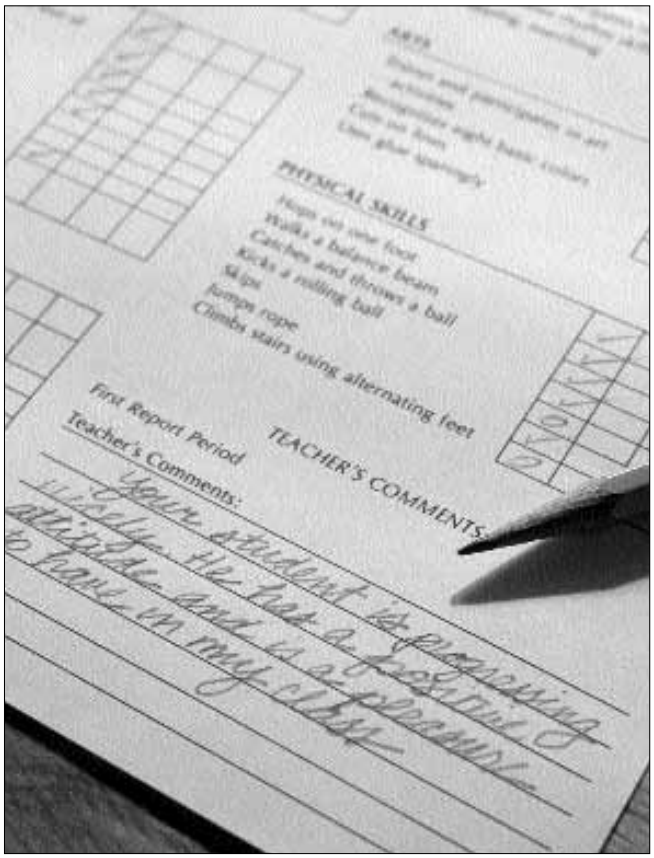

Should Voucher Students Take State Tests?

Many states considering vouchers are also debating whether private schools that accept vouchers should be required to administer state tests.

One of the unintended consequences of the annual testing requirements of the No Child Left Behind Act has been to intensify calls from public school educators for similar testing of voucher students. If parents are given public funds, the argument goes, then their children should be required to take the same tests as students in public schools.

Those who advocate the testing of voucher students claim voucher schools will be unaccountable for their performance if such tests are not administered. However, in a recent op-ed in the *Tallahassee Democrat*, Manhattan Institute senior fellow Jay P. Greene and research associate Marcus A. Winters argue it would be a mistake to force private schools to administer state examinations. Doing so would force the schools to change their curriculum and make them less meaningful and less distinct alternatives to the public schools.

"Not all children learn in the same way and not all families share the same philosophy of education," note the two researchers. "Allowing a diversity of approaches is precisely one of the most important benefits of having alternatives to public schools available through voucher programs."

Greene and Winters also point out voucher schools already are accountable for their performance—to parents, rather than to an education bureaucracy. Parents who use vouchers have a free choice of schools and may choose another school if they are dissatisfied with the performance of their child's current school.

In addition, the vast majority of private schools participating in one of Florida's largest voucher programs—the Corporate Tax Credit Program—already administer nationally respected standardized tests.

INTERNET INFO

The article by Jay P. Greene and Marcus A. Winters, "Forcing the FCAT on Voucher Schools is a Bad Idea," was published in *The Tallahassee Democrat* on March 31, 2003. It is available online at **http://www.tallahassee.com/mld/democrat/news/opinion/5507229.htm**

Colorado

continued from page 1

religious schools, directly or indirectly," said Deborah Fallin, a spokeswoman for the 36,000-member Colorado Education Association. She pointed out Colorado voters had rejected a voucher proposal in 1992 and a tax credit proposal in 1998.

The teacher union has threatened legal action. Institute for Justice attorney Clint Bolick was not surprised, noting a constitutional challenge to the bill "is as inevitable as death and taxes."

Narrowly Targeted Program

Spence's measure, the "Colorado Opportunity Contract Pilot Program," would apply to only about a dozen school districts with at least eight schools rated "low" or "unsatisfactory" in 2001-02 state tests. Initially, Spence had discussed a measure that affected just the Denver Public Schools, but she expanded the scope of the initiative to benefit students in other districts.

Elementary students in the targeted districts could take up to 75 percent of the state education money assigned to them—i.e., a voucher of about $4,600 per student—and spend it at a private school of their parents' choosing, including religious schools. The other 25 percent of the state funds would go to the student's home district. High school students could take up to 85 percent of the state funding, with the home district receiving the remaining 15 percent.

To be eligible to receive vouchers, or "opportunity scholarships," students would have to show unsatisfactory test scores and also qualify for the federal free or reduced price lunch program. The number of voucher students in the first year is capped at 1 percent of a district's students; that cap rises to 6 percent by 2008.

The program will go into effect in the fall of 2004 and will be evaluated by a performance audit on January 1, 2008, at which time the legislature may terminate, expand, or otherwise modify the program.

While these limitations may not satisfy all voucher advocates, the editors of the *Pueblo Chieftain* urged legislators "not to let the perfect be the enemy of the good," reminding them that establishing a voucher program in Colorado had been "a difficult, drawn-out task."

The Road to Vouchers

The passage of voucher legislation in Colorado hinged on several critical factors, including Spence, who championed the measure through the legislature; Owens, whose willingness to sign the measure would finally turn it into law; and Hagedorn, whose independence assured passage of the bill in the Senate. Another factor was continuing grassroots support for vouchers from Latino and black constituencies that clearly would benefit from them.

"We're not really the land of the free until we have educational freedom for disadvantaged children," said Senate President John Andrews (R-Centennial) during the debate on Spence's voucher bill.

The grassroots support helped Andrews and Anderson push school choice in a senate where Republicans hold just a one-vote majority and also provided a backdrop for Hagedorn's decision to supply the swing vote necessary for the 18-17 passage in the senate on March 27. Hagedorn (D-Aurora) voted for the bill while Senator Lew Entz (R-Hooper) voted against it.

"My belief is I was elected to represent people," the independent Hagedorn told *The Denver Post* when his fellow Democrats tried to remove him from the Senate Health, Environment, Welfare and Institutions Committee for voting against them on too many other issues. "I do not think I was elected to be a rubber stamp for special interest groups."

"The passage of voucher legislation in Colorado hinged on several critical factors, including ... grassroots support for vouchers from Latino and black constituencies that clearly would benefit from them."

The need for a nonpartisan approach to education issues was echoed in the public debate over Spence's bill.

"There is not a Democratic way to build a street and a Republican way to fight a fire. Just a good or a bad way," wrote Littleton resident Tomas Romero in a *Rocky Mountain News* op-ed, urging Democrats to support House Bill 1160. "Nor is there a perfect Republican or Democratic way to educate a child."

Other School Choice Bills

On February 25, Hagedorn also provided the swing vote for the 18-17 approval of Senate Bill 99, a voucher measure sponsored by Senator John Evans (R-Parker) and directed toward low-scoring students in low-income families.

On March 14, the House tentatively approved House Bill 1137, a measure sponsored by Rep. Keith King (R-Colorado Springs) that would create private school scholarships from a $20 million tax credit program.

On April 3, a House Committee voted 6-4 on party lines to approve House Concurrent Resolution 1003, a measure introduced by Rep. Rob Fairbank (R-Littleton). The resolution would place a question on the November 2004 ballot to remove a "Blaine Amendment" from the Colorado state constitution. The intent of the amendment, added during an anti-Catholic period in the nineteenth century, was to deny Catholic schools access to public funds.

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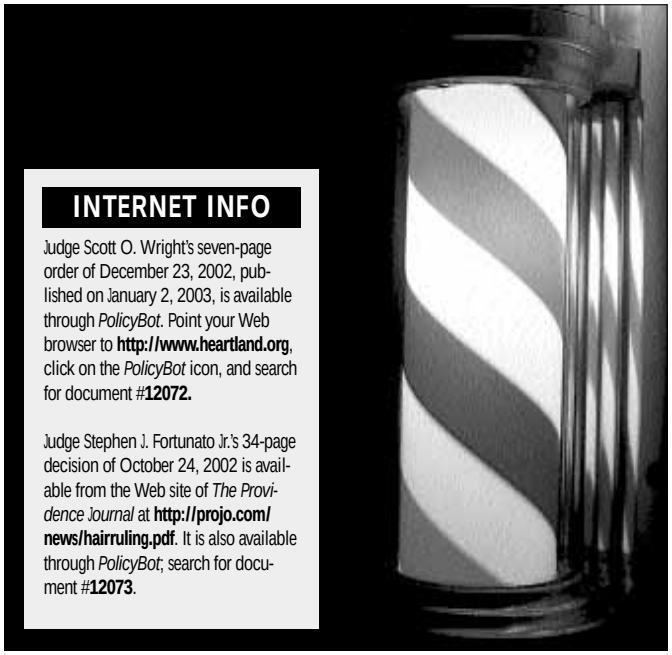
Two Hairy Stories

A PUBLIC SCHOOL POLICY THAT A JUDGE REGARDS AS "STUPID" nevertheless provides two lessons for private schools who wish to maintain their independence: It is vitally important–even in the absence of vouchers–to adopt and communicate written policies regarding acceptable behavior, and to follow approved procedures when changing them.



INTERNET INFO

Judge Scott O. Wright's seven-page order of December 23, 2002, published on January 2, 2003, is available through *PolicyBot*. Point your Web browser to **http://www.heartland.org**, click on the *PolicyBot* icon, and search for document #**12072.**

Judge Stephen J. Fortunato Jr.'s 34-page decision of October 24, 2002 is available from the Web site of *The Providence Journal* at **http://projo.com/news/hairruling.pdf**. It is also available through *PolicyBot*; search for document #**12073**.

George A. Clowes

Two incidents last year involving the regulation of student hair length and hair style illustrate that students in public schools don't always have the freedom to express themselves as they would like, nor do administrators in private schools always have the freedom they would like to regulate student expression.

The essential difference in the facts underlying the two rulings is that one judge upheld a long-standing, well-communicated policy in a public school, while another judge ruled that a newly enacted policy in a private school was "arbitrary and capricious."

Judge Upholds Public School Ban on Cornrows

Last December, Senior U.S. District Court Judge Scott O. Wright in Kansas City, Missouri upheld a long-standing rule imposed by Boonville High School Coach Richard Smith that prohibits basketball players from wearing braided cornrows during games or practice.

Although warned about the rule during tryouts, 14-year-old Kolby A. Hurt refused to unbraid his hair and was benched for three games before his father filed a federal lawsuit charging the rule violated constitutional guarantees of equal protection and due process.

Scott found Hurt and his father had agreed to abide by the rules and regulations established by Boonville, which included the restrictive rules on hair grooming that Coach Smith had implemented for the past eight years. He also noted all members of the basketball team except Hurt abide by the hair grooming rules. The rules, Scott declared, do not violate any constitutional or statutory rights of Hurt or his father.

"The Court finds and declares that federal courts cannot interfere in the local rule making power of school districts to regulate hair grooming for student athletes," Scott wrote in his order. "The Court finds and declares that student athletes do not have a property right or liberty interest in their style of hair when participating in games."

While making it clear he personally thought the cornrow ban was "stupid," Wright pointed out federal appeals courts in general have deferred to the authority of the public schools and "must proceed with caution when asked to intrude upon the operations of public school systems."

Private School: No Hair Below the Collar

Last October, Superior Court Judge Stephen J. Fortunato Jr. in Providence, Rhode Island ruled a private school may not dictate the length of a boy's hair.

The case involved St. Raphael Academy and 15-year-old sophomore Russell Gorman III. When Gorman interviewed at St. Raphael's and was accepted in January 2001, no one at the school took issue with his long hair, which fell six to eight inches below his shirt collar. Nothing in the Student Handbook at that time mandated hair length.

However, after Gorman had started his class work at St. Raphael in the Fall of 2001, he was advised he would have to cut his hair or face expulsion. A restraining order prevented any expulsion during the 2001-02 school year, but a new Student Handbook was developed for 2002-03, with a rule stating hair could be no longer than the bottom of the shirt collar.

Gorman and his family insisted he be permitted to keep the style of hair he had at the time of admission until he graduated. Counsel for both sides approached the Court for direction.

After reviewing the facts of the case, Fortunato ruled the hair code regulation "is arbitrary and capricious" so far as regulating a male student's hair length.

"[The hair code regulation] is arbitrary and capricious because it bears no rational relation to the legitimate mission statement of the school, nor does it in any ways (sic) inhibit or enhance the learning process or order and discipline at the school," continued the Judge. "In short, the length of a male student's hair is absolutely irrelevant to the educational process ..."

Lest anyone think the Court is "opening the door for improper government meddling into the affairs of private schools," Fortunato declared, "this Decision does not in any way interfere with the curriculum of St. Raphael Academy, its mission statement, or the doctrines of the Roman Catholic Church with which it is affiliated."

Private schools, wrote Fortunato, are licensed by the state "to educate children in large part as they see fit," but with the express condition that they educate children to be citizens in a democracy.

"It would be anomalous indeed," observed Fortunato, "if people entrusted with this important mission were permitted to impose a 24-hour rule mandating a purposeless conformity to an arbitrary hair code."

George A. Clowes is managing editor of School Reform News.

Accountability Requirements of Existing School Choice Programs

Independence Institute researcher Marya DeGrow has compiled an informative list of the accountability requirements of current voucher and tax credit programs, from tuitioning in Vermont and Maine to the latest tax credit and voucher programs in Pennsylvania and Colorado.

The accountability requirements for each program are detailed under the following headings:

- Internet link to the enabling state statute;
- Internet link to rules governing the program;
- Internet link to state regulations governing private schools;
- Program information, such as testing requirements and maintaining eligibility.

For example, here are some of the details included in the program information on the Milwaukee Parental Choice Program (MPCP):

- No state requirements for private schools to administer tests of any kind.
- Private schools need not be accredited to participate in the MPCP.
- Private schools may not require a student to participate in religious activities if the parent has submitted a written request to exempt the student from such activities.

DeGrow points out that while some accountability requirements might appear reasonable on their face, they may be unnecessary and could be costly to implement. For example, the Florida Opportunity Scholarship Program requires private schools to be accredited, even though it is not a common practice for elementary schools to be accredited.

INTERNET INFO

The research profile by Marya DeGrow, "Accountability Requirements for Non-Public Schools Participating in Voucher or Tax Credit Programs," is available at the Web site of the Independence Institute at **http://www.i2i.org/Centers/Education/Fact%20Sheets/accountability_fs.htm**.

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PARENTAL INVOLVEMENT:

How Public School Advocates View It

Mike Scott

It is widely accepted as beneficial for parents to be involved with their child's schooling from the very earliest stages. But what exactly does parental involvement mean?

The National PTA recommends 10 ways parents can help their child succeed in school. The three most notable are:

- Talk with your child about school on a daily basis.
- Support and supplement learning at home (e.g., read to your child).
- Communicate with teachers even when things are going well.

"One thing you can do is begin right away to work with your child on homework every night," said Peggy Gisler Ed.S., a frequent contributor to **www.familyeducators.com**. "Give assistance when it is required but ask your child if you can help."

The level of parental involvement in U.S. elementary and secondary education is high. As recently as 1999, the National Center for Educational Statistics reported at least 90 percent of U.S. students had parents who participated in their child's school activities—assisting with projects, attending a school function, or in some other way. Parental involvement typically decreases as students get older.

Excellent schools are created through the dedication of superintendents, principals, teachers, parents, and community members who are passionate about student success, according to the National PTA.

Parents and Teachers

Most often when parents and teachers talk to each other, it's about a problem or unpleasant subject regarding a student, such as the reasons behind a failing grade. The American Federation of Teachers (AFT) recommends parents not wait for a problem to occur before contacting teachers.

The "Parent Page" of the AFT web site (**www.aft.org**) advises parents to develop a list of questions before a meeting or school conference. The teacher will welcome this as a sign the child's education is important to all family members.

While urging parents to be actively involved in their children's schooling, the NEA cautions parents to take care not to be overbearing.

"Parents can question a teacher, but do so in a respectful fashion," said NEA spokesperson Kathleen Lyons, adding parents should consider what it would feel like if an outsider told them how to conduct their job.

It is perfectly appropriate to contact a teacher when your student is having issues with schoolwork or on a social level, said Eva Ostrum, former teacher, education expert, and founder of College Broadband, Inc.

"If you suspect that your child is having trouble recording the assignments and that the resulting confusion is increasing for your child, you may want to speak to the teacher about [how to] communicate with your child," said Ostrum.

Parental Learning

Linda Wacyk of Grand Ledge, Michigan works with the Early Childhood Literacy Coalition. She recently told the *Lansing State Journal* that even more than family income or circumstances, it's what parents do that matters most when it comes to helping children learn.

"Even more than family income or circumstances, it's what parents do that matters most when it comes to helping children learn."

"[Parents] know that literacy is about more than just books. It's about writing, speaking, and listening. It's about patterns, predictions, and rhymes," Wacyk said. "And it's also about having lots of interesting experiences to remember."

Some ideas from the Early Childhood Literacy Coalition for parental involvement include: reading to a child for 30 minutes every day, talking and listening to children, donating books to child care centers and community centers, and writing together.

Mike Scott is a freelance writer from Waterford, Michigan. His email address is **Mascott17@aol.com.**

School Choice Would Encourage Parental Involvement

Diane Carol Bast

Although education-related organizations like the National PTA, the American Federation of Teachers, and the National Education Association all promote the idea of parental involvement, they are rigidly opposed to one proven method for encouraging parents to be more involved in their children's education: parental choice.

Since 2000, the National Center for Education Statistics has tracked data on school choice and parental satisfaction. The data show the more choices parents have for their children's education, the more satisfied they are with the schools their children attend and the school's teachers, academic standards, and discipline.

An October 2000 report for the Cato Institute, prepared by educational consultant Philip Vassallo, notes parents of children in school choice programs:

- are more involved with their children's academic programs;
- participate more in school activities;
- believe their child's choice school is safer, better disciplined, and has better instruction than the child's previous school;
- are more satisfied with their children's education in a choice program; and
- are likely to re-enroll their children in the choice program.

"Once parents assume the responsibility of advocating for and supporting their children's education," Vassallo writes, "they will become partners with educators to create the schools their children need."

The public education system "is the greatest barrier to parental involvement," argues Vassallo, because it interferes with the right of parents to seek the education they believe is best for their children. By making choices for parents and directing all education funding to public schools, the system fosters parental indifference rather than parental involvement.

As University of California-Berkeley law professor Jack Coons has noted, the choices left to parents in a typical public school district are few. School board members or school officials make nearly all of the decisions that matter: They assign children to schools based on where their parents live, they set the length of the school day and school year, and they select the textbooks, the curriculum, and other inputs into the child's schooling.

In many schools, teachers are required to be available to parents only on designated teacher conference days. Also, parents often are discouraged from helping students with their homework, because they might teach children to arrive at answers in a way that differs from the method their teachers prefer.

While good schools promote parental involvement by providing greater access to teachers and administrators and by being more responsive to parents' advice and expressions of concern, empowering parents with school choice would promote that involvement much more directly. For example, Children's Scholarship Fund co-founder John Walton noted the profound change that school choice wrought on parents in a speech in Milwaukee three years ago.

Walton recounted how parents had responded when provided with the power to make choices for their children. No longer intimidated by school officials, they became more involved with their child's school and took on more responsibility for their child's education. (See "Parent 'Vote' Is Key to Better Schools," *School Reform News*, February 2000.)

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INTERNET INFO

See Philip Vassallo, "More Than Grades: How Choice Boosts Parental Involvement and Benefits Children," *Policy Analysis* No. 383 (Washington, DC: Cato Institute, October 26, 2000). It is available on the Cato Web site at **http://www.cato.org/pubs/pas/pa-383es.html**.

The 16-page report is also available through *PolicyBot*. Point your Web browser to **http:/www.heartland.org**, click on the *PolicyBot* icon, and search for document #**12066**.

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JUST THE FACTS

Parents and Student Achievement

George A. Clowes

According to a study by Brian D. Ray, president of the National Home Education Research Institute, students taught by parents who have not finished high school score significantly higher on achievement tests than students in traditional school settings. For students in the latter environment, the educational level of parents has a profound effect on student performance, as does poverty.

Regardless of their own education, parents can have a positive effect on their child's education simply by taking an interest in it.

Using data for twelfth-graders from the National Assessment of Educational Progress (NAEP), the charts below illustrate:

- Student achievement increases as the level of the parents' education increases.
- Student achievement decreases with the incidence of poverty, as measured by eligibility for the federal free and reduced price lunch program, a commonly used indicator of poverty.
- Student achievement increases with the frequency that parents talk to their children about school work.

Fig. 1 **Parent Education and Student Achievement**

12th Grade NAEP Reading Scores

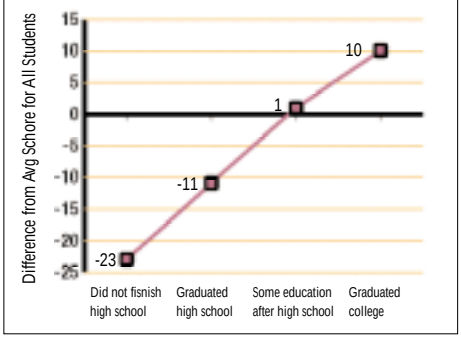


Fig. 2 **Poverty Level and Student Achievement**

12th Grade NAEP Math Scores

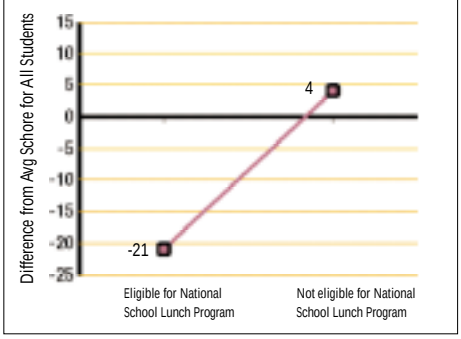
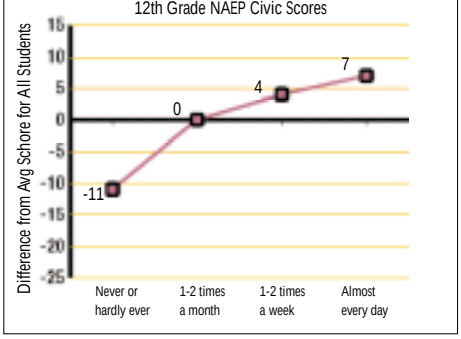


Fig. 3 **Discussing School Work at Home and Student Achievement**

12th Grade NAEP Civic Scores



Source: NAEP

Too Much Homework?

Mike Scott

Homework is an accepted part of children's coursework, starting as early as first grade. But how much is too much?

The National PTA suggests children in kindergarten through second grade receive 10-20 minutes of homework each night. In grades three through six, that recommended amount increases to 30-60 minutes nightly. In middle and high school, the amount depends on the number and level of difficulty of classes a student takes.

Erlyne Osburn is an elementary school teacher in the Chicago area with background in both private and public schools. She said homework has great value, but wonders if it is taking over the lives of children in some parts of the country. Her own child, a second grade student, has become "distracted and disengaged in the classroom" because of added homework, according to Osburn.

"Not all children work at the same rate, so allowances should be made for those children who work slowly or more rapidly," she said.

However, reading at home plays an important role in the educational process, said Osburn. Studies show children need to read for at least 30 minutes per day in order to become more efficient readers.

Test score data for twelfth-graders from NAEP also show an increase in student achievement with an increase in the amount of time spent in doing homework. (See Figure 4.)

Are children doing more homework? Evidence here is mixed.

John Buell, who has written on the subject under the title, "The Trouble with Homework," cites a recent study from the University of Michigan which reported that the amount of time spent on homework by six- to eight-year-olds rose by as much as 30 minutes a night from 1981 to 1999. However, the Koret Task Force's just-issued book, *Our Schools and Our Future* (Hoover Press, 2003), reports the hours of homework per school day for the average American high school student have been falling since the early 1970s. (See Chart 5.)

Mike Scott is a freelance writer from Waterford, Michigan. His email address is **Mascott17@aol.com**.

INTERNET INFO

The National Center for Education Statistics makes the data from the National Assessment of Educational Progress available by a wide range of demographic and other factors by means of a Data Tool at **www.nces.ed.gov/nationsreportcard/naepdata**.

Fig. 4 **Homework and Student Achievement**

12th Grade NAEP Writing Scores

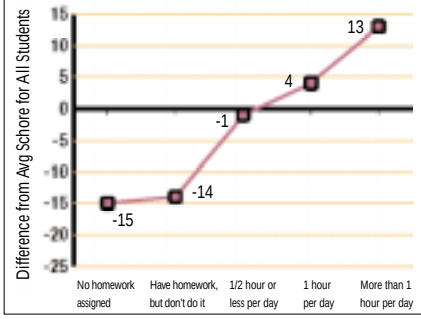
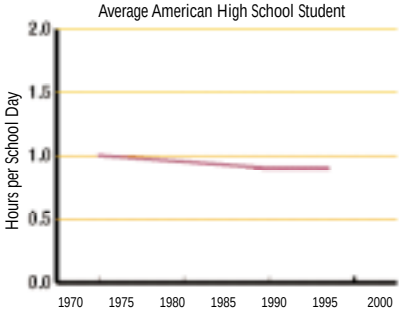


Fig. 5 **Hours of Homework per School Day**

Average American High School Student



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